

Migration Network Hub

Repository of practices Operational Guide for applying the Best Interests of the Child and Adolescents in Contexts of Human Mobility



**United Nations
Network on Migration**

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Conferencia Regional sobre Migración
Regional Conference on Migration

2

Operational Guide for applying the Best Interests of the Child and Adolescents in Contexts of Human Mobility



Title of the Initiative

Operational Guide for applying the Best Interests of the Child and Adolescents in Contexts of Human Mobility.

Geographic scope

Regional. RCM Country Members: Belize; Canada; Costa Rica; El Salvador; United States of America; Guatemala; Honduras; Mexico; Nicaragua; Panama; The Dominican Republic.

Partners involved

Technical Secretariat of the Regional Conference on Migration (RCM), crmst@iom.int

United Nations High Commissioner for Refugees (UNHCR), panpa@unhcr.org

International Organization for Migration (IOM), rosanjose@iom.int

International Labor Organization (ILO), sanjose@ilo.org

United Nations Children's Fund (UNICEF), uniceflac@unicef.org

Regional Network of Civil Organizations for Migration (RROCM)

Donor(s) and / other resources

United States Department of State Office of Population, Refugees and Migration (PRM).

Type of practice

Partnership / Multistakeholder initiative

Objectives of the Global Compact for Migration

 3 INFORMATION PROVISION	 4 LEGAL IDENTITY AND DOCUMENTATION	 5 REGULAR PATHWAYS
 7 REDUCE VULNERABILITIES	 8 SAVE LIVES	 9 COUNTER SMUGGLING
 10 ERADICATE TRAFFICKING	 11 MANAGE BORDERS	 12 SCREENING AND REFERRAL
 15 ACCESS TO BASIC SERVICES	 16 INCLUSION AND SOCIAL COHESION	 21 DIGNIFIED RETURN AND REINTEGRATION
 23 INTERNATIONAL COOPERATION		

Sustainable Development Goals (SDGs)



Short Description



Image for illustration purposes only

The "Operational Guide for Applying the Best Interests of the Child and Adolescents in Contexts of Human Mobility" stands out for providing guidance on the practical, concrete application of this principle in the face of violations that occur within the migratory or forced displacement cycle. Thanks to this voluntary Guide, 11 countries in the Central American, North American, and Caribbean region now have an instrument for protecting children and adolescents that is in line with international, regional, and national standards

The development of this Guide was the result of an exchange and dialogue process between government authorities (RCM Country Members), United Nations RCM observer agencies (UNHCR, IOM, ILO and UNICEF), and civil society organizations that are part of the Regional Network of Civil Organizations for Migration (RROCM).

The Guide's purpose is to improve key stakeholders' operational capacities to evaluate and determine the best interests of the child in the context of human mobility, through a series of concepts, procedures and tools. These are presented in chapters that include aspects on the norms related to the best interest as a fundamental principle and how to apply this principle in identifying risk and vulnerability cases. Finally, it clarifies how to operationalize the main procedures for applying this principle. Likewise, the Guide includes infographics and flowcharts that visualize each process.

The Guide was designed for staff members who come into first contact with migrant children and adolescents, refugees, asylum seekers, stateless people, and victims of human trafficking. It also addresses other crimes and forms of violence. In addition, it is directed at professionals of the national system for protecting the rights of children and adolescents.

Dates of implementation dates

2021, end year not applicable

Key benefits and impact

This practice has directly benefited the RCM and its Country Members for which the issue of protecting children and adolescents in the context of human mobility is a priority and a cross-cutting issue. The Guide is relevant along the road that the RCM takes to make the approved protection actions operational.

The completion of this practice has been beneficial for the coordination among persons in charge of protection in the region. Since 2017, the RCM has a "Strategic Work Plan 2017 to 2022." The aim of the plan is to support RCM Country Members to implement regional actions to ensure the human rights and access to basic services for migrant children and adolescents in need of international protection.

Later, in 2018, the RCM's Network of Liaison Officers for the Protection of Migrant Children and Adolescents (since 2019 called the Working Group on Protection) submitted its conclusions to the Regional Consultation Group on Migration (GRCM). They include an initiative to create a support guide to implement mechanisms to determine the best interest of the child in cooperation with specialists from academia or civil society and international organizations.

Complementary instruments include the "Regional Guidelines for the Comprehensive Protection of Boys, Girls and Adolescents in the Context of Migration" (2016), the "Regional Guidelines for the Assistance to Unaccompanied Children in cases of Repatriation" (2009) and the "Regional Guidelines for Special Protection in Cases of Repatriation of Child Victims of Trafficking" (2007).



Presentation of the Guide, webinars RCM, (May 13, 2021)

Key lessons learned

The COVID-19 pandemic brought about a need to find adaptations to allow the development of the Guide to continue. Four webinars held organized in 2020. The virtual mode provided spaces for dialogue and exchange between the RCM Country Members, civil society, and international organizations. This reduced the impact on the environment and the cost associated with travel and attendance.

The Guide is meant to be used as a framework to apply the best interest of the child principle when attending to cases and situations of vulnerability involving children and adolescents in the context of human mobility. This includes migrant children and adolescents, refugees, asylum seekers, stateless people, victims of human trafficking and other crimes and forms of violence. To this end, the RCM identified the need to develop practical instruments to respond to crisis situations. Participation by the RCM Country Members was enhanced because they were interested in coordinating actions to manage migratory flows and human mobility situations at the regional level.

Specialized technical staff from different countries participated in developing the Guide. This also made it possible to harmonize the language used, given the fact that the different RCM Country Members tend to use different terms related to protection. These terms were standardized through the Guide. This brought about strengthened coordination among the officials in the RCM Country Members that assist migrant children and adolescents.

The Guide brought about an approach to identify needs and conditions based on the population profile while emphasizing vulnerability and protection conditions, plus the age range. It also takes into account the cause of displacement, gender, whether the person is part of the LGBTIQ+ population or is facing cultural and language barriers that are different from the types of migratory flows traditionally assisted in the region.

A highlight during the development of the Guide were the participation and the contributions by civil society organizations which was delivered mostly through the RROCM. These organizations contributed by completing the initial questionnaires to study the problem being addressed. The organizations also participated in the different webinars where they made comments and technical contributions, based on their experience and practice.

The Guide also considers specific operational issues in protecting against crimes, such as human trafficking, migrant smuggling, child labor, gender violence, among others, to support the solution of such cases and problems in the RCM Country Members. This is also relevant to other related protocols or instruments.

Recommendations

Carry out activities to distribute these types of instruments at the regional level and in the Country Members.

Anticipate monitoring or follow-up mechanisms for the implementation of this type of instrument to study the impact obtained, without prejudice to whether they are voluntarily applied by the RCM Country Members.

Promote experience exchanges in the countries on the implementation of this Guide and on the inclusion of the Guide in national protection mechanisms. This would allow to identify lessons learned and good practices and also encourage the coordination of actions of the same nature.

Emphasize the use and knowledge of the Guide among RCM Country Members staff in charge of protection through technical training, especially for officials assigned to the borders and migration offices and for professionals of the national systems to protect the rights of children and adolescents.

Website

- [Operational Guide for applying the Best Interests of the Child and Adolescents in Contexts of Human Mobility](#) (link to this practice published on the Repository of the United Nations Migration Network, available only in Spanish)

Innovation

The Guide is innovative as it is the result of a socialization and dialogue process on the protection of children and adolescents in the context of human mobility between the RCM Country Members, the RROCM, and the United Nations' RCM observer agencies.

The instrument contains guidelines, norms, and specific recommendations to enforce and apply the principle of the best interest of the child (a guiding principle for the Global Compact on Migration). It also includes model documents that Country Members can use when registering, interviewing, and monitoring cases.

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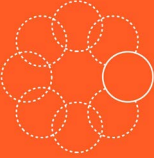
GCM Guiding Principles



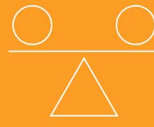
PEOPLE-CENTRED



INTERNATIONAL COOPERATION



NATIONAL SOVEREIGNTY



RULE OF LAW AND DUE PROCESS



SUSTAINABLE DEVELOPMENT



HUMAN RIGHTS



GENDER-RESPONSIVE



CHILD-SENSITIVE



WHOLE-OF-GOVERNMENT APPROACH



WHOLE-OF-SOCIETY APPROACH



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